

The committee chairwoman has not approved these minutes.
PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: March 29, 2006

CALLED TO ORDER: 5:33 p.m.

ADJOURNED: 7:27 p.m.

ATTENDANCE

Attending Members

Mary Moriarty Adams, Chairwoman
Vernon Brown
Greg Bowes
Sherron Franklin
William Oliver
Lincoln Plowman
Lynn McWhirter
Scott Schneider

Absent Members

AGENDA

PROPOSAL NO. 186, 2006 - appoints Rondle W. Brewer to the Marion County Community Corrections Advisory Board as a representative of the offender community
"Postponed" Vote: 5-0

PROPOSAL NO. 187, 2006 - appoints David Cook, Chief Public Defender, to the Marion County Community Corrections Advisory Board
"Do Pass as Amended" Vote: 8-0

PROPOSAL NO. 188, 2006 - reappoints Tom Alvarez to the Marion County Animal Care and Control Board
"Do Pass" Vote: 8-0

PROPOSAL NO. 189, 2006 - reappoints Brian Tuohy to the Marion County Public Defender Agency Board
"Do Pass" Vote: 8-0

PROPOSAL NO. 190, 2006 - clarifies and establishes fees for various inspections and services provided by the Indianapolis Fire Department, and converts from service charges to civil penalties the amounts imposed for the issuance of an excessive number of false fire alarms
"Do Pass as Amended" Vote: 7-1

PROPOSAL NO. 191, 2006 - approves an increase of \$2,500,000 in the 2006 Budget of the Department of Public Safety, Fire Division (City Cumulative Capital Fund) to purchase fire apparatus, financed by fund balance
"Do Pass" Vote: 7-0

PROPOSAL NO. 192, 2006 - approves an increase of \$500,000 in the 2006 Budget of the Department of Public Safety, Police Division (State Law Enforcement Fund) to purchase vehicles, financed by state forfeiture revenues
“Do Pass”

Vote: 7-0

PROPOSAL NO. 193, 2006 - approves the issuance of one or more series of Indianapolis Public Safety Communication Systems and Computer Facilities District notes in an aggregate principal amount not to exceed \$5,000,000, and approves and authorizes other actions in respect thereto
“Do Pass”

Vote: 6-0

PROPOSAL NO. 194, 2006 - approves the transfer and new appropriation of \$662,993 in the 2006 Budget of the Department of Public Safety, Emergency Management Planning Division (Non-lapsing Federal Grants Fund) to fund a contract with the Marion County Health and Hospital Corporation to implement the Metropolitan Medical Response System, financed by a transfer between characters for an existing grant and new 2006 appropriations from fund balance
“Do Pass”

Vote: 5-0

PROPOSAL NO. 195, 2006 - approves a transfer of \$20,485 in the 2006 Budget of the Marion County Public Defender Agency (County Grants Fund) to fund a portion of a contract between the Marion County Public Defender Agency and the Midtown Community Mental Health Center, for mental health and addiction services for inmates in the Marion County Jail and the Wishard Hospital Detention Unit, financed by a grant from Drug Free Marion County
“Do Pass”

Vote: 5-0

PROPOSAL NO. 196, 2006 - approves an increase of \$82,500 in the 2006 Budget of the Marion County Superior Court (County Grants Fund) to pay for a portion of the salaries and benefits of the Drug Treatment Court and the Community Court, funded by a Marion County Drug Free grant
“Do Pass”

Vote: 5-0

PROPOSAL NO. 197, 2006 - approves an increase of \$20,000 in the 2006 Budget of the Marion County Superior Court (State and Federal Grants Fund) to cover the salary of the community work service coordinator for Community Court, funded by a Weed and Seed grant
“Do Pass”

Vote: 5-0

PROPOSAL NO. 198, 2006 - approves a transfer of \$150,000 in the 2006 Budget of the Marion County Superior Court (County General Fund) to meet their payment obligations for ongoing subscriptions necessary to accommodate the public law library in Indianapolis
“Do Pass”

Vote: 5-0

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, March 29, 2006. Chairwoman Mary Moriarty Adams called the meeting to order at 5:33 p.m. with the following members present: Greg Bowes, Vernon Brown, Sherron Franklin, William Oliver, Lincoln Plowman, Lynn McWhirter, and Scott Schneider.

PROPOSAL NO. 187, 2006 - appoints David Cook, Chief Public Defender, to the Marion County Community Corrections Advisory Board

Councillor Brown moved, seconded by Councillor Bowes, to “Amend” Proposal No. 187, 2006, to read “re-appoint” instead of “appoint”. This motion was carried by vote of 8-0.

David Cook, Chief Public Defender, stated that he has been Chair of the Community Corrections Advisory Board for the last four years. He said that during that time, the advisory board has accomplished a lot of things that has made Community Corrections an important force in dealing with a lot of issues. Some of the issues include jail overcrowding and providing additional pre-trial services to find alternatives to incarceration for offenders as they come through the program. Mr. Cook said that he looks forward to serving on the board again.

Brian Barton, Director of Community Corrections, stated that as the director of the agency he is so lucky to have someone of Mr. Cook’s stature. With his experience being a prosecutor, and currently being the Chief Public Defender, he brings a wealth of knowledge to the advisory board.

Councillor Oliver moved, seconded by Councillor Bowes, to send Proposal No. 187, 2006 to the full Council with a “Do Pass as Amended” recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 188, 2006 - reappoints Tom Alvarez to the Marion County Animal Care and Control Board

Tom Alvarez stated that he has been on the Animal Care and Control Board for the last two years and the past year he was elected Chair of the board. He said that the work that the Animal Care and Control Agency does for the communities is extremely important. Mr. Alvarez stated that this agency contributes to public safety and also to the quality of life in Indianapolis.

Councillor Schneider moved, seconded by Councillor Brown, to send Proposal No. 188, 2006 to the full Council with a “Do Pass ” recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 189, 2006 - reappoints Brian Tuohy to the Marion County Public Defender Agency Board

Brian Tuohy stated that he as been practicing law for 23 years in the City of Indianapolis. He said that the former Councilman Bill Dowden originally appointed him to the Marion County Public Defender Board. Mr. Tuohy stated that he has served on the board for the last seven years, and he has enjoyed serving.

Mr. Cook stated that Mr. Tuohy brings a lot of knowledge about the criminal justice system and also about the political system. Mr. Cook said that he urges the committee to re-appoint Mr. Tuohy to the Marion County Public Defender Agency Board.

Councillor Schneider moved, seconded by Councillor Oliver, to send Proposal No. 189, 2006 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 190, 2006 - clarifies and establishes fees for various inspections and services provided by the Indianapolis Fire Department, and converts from service charges to civil penalties the amounts imposed for the issuance of an excessive number of false fire alarms

Mark Mertz, Office of Corporation Counsel, stated that the amendment is adding a new sentence in section 3c, which reads, "*Notwithstanding the foregoing, all fire inspection fees collected by the Controller for inspections conducted by the Indianapolis Fire Department shall be deposited in the fire services district fund.*"

Councillor Brown moved, seconded by Councillor Oliver, to "Amend" Proposal No. 190, 2006 to reflect the above text. This motion was carried by vote of 8-0.

Fred Pervine, Captain of the Indianapolis Fire Department (IFD), stated the main concern is for public safety as well as firefighter safety. He said that there are a lot of businesses that are opening and storing unsafe products. It is IFD's intent through the fee process, to gather that information and look for potential dangers.

{Clerk's note: Captain Pervine explained IFD Permits and Fees (Exhibit A), which is on file in the Council office.}

Key points are:

- Through the permit process the Fire Prevention Bureau will be able to identify and categorize various types of occupancies as well as potential fire and explosive hazards.
- Currently there is no system in place to gather such information.
- The Plan review process is the vehicle that verifies that the proposed construction drawing meets or exceeds the adopted Codes of Indiana and Marion County.
- If there was a fee attached to each re-inspection it would encourage an immediate response.
- IFD is one of the few departments that does not charge fees for the services provided throughout Marion County.

Councillor Schneider asked if the State Fire Marshall looks at violations in the plan review. Captain Pervine stated that the Department of Metropolitan Development (DMD) handles the violations for plan review, but deals with the construction part of plan review. IFD's concern is the fire life and safety issue such as the sprinklers, alarm systems, and exits. Currently the contractors do not have to submit their things. Councillor Schneider asked if the blueprints of a new project would have to be submitted to IFD

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before a permit is given. Captain Pervine answered in the affirmative. He said this would only apply for new construction and remodels. Councillor Schneider asked where in the process the plan review would come into play. Captain Pervine stated that once an architect decides that they are going to build a building, they would submit the plans to DMD and then DMD would give the documents that pertain to the fire service to IFD to review. He said that this is not an additional step that the taxpayer would have to go through. Councillor Schneider asked how that step will be implemented into the current plan. Mr. Mertz stated that the current ordinance already requires that DMD submit plans on fire protection systems. He said that the hope is that DMD and IFD can work together before DMD approves Ingress and Egress, and it would not include the private party submitting additional documents to IFD. Councillor Schneider asked if this extra step would cause a delay in the approval process. Captain Pervine answered in the negative, and stated that there is a person that is designated specifically for this project. Councillor Schneider asked if the fee that would be charged would be for every new setup plan that was submitted to the City. Mr. Mertz stated that the fee is just imposed for the review of the fire protection system plans.

Councillor Schneider asked if there was any conversation with the alarm companies. Captain Pervine stated that one of the most common practices is lack of maintenance that is required year round.

Councillor McWhirter asked if there would be some criteria that would define what is a not a false alarm and what should be charged. Mr. Mertz stated that the elements that would determine whether or not a false alarm had occurred are listed on page three of the ordinance. Councillor McWhirter asked if the businesses are charged for false alarms if they notify IFD before they are dispatched. Mr. Mertz answered in the negative.

Councillor Brown stated that the fire department has been doing plan reviews and has not charged any fees. He added that IFD currently does not charge fees for a lot of services rendered. Councillor Brown stated that the intent of the fees is to make sure everyone complies with the fire code and to make sure the necessary safety fire systems are in place to protect the people in the buildings.

Councillor Bowes asked if the people that would be penalized for the false alarms would be the owners of the different businesses. Mr. Mertz answered in the affirmative.

Councillor Oliver asked if there were fees for runs outside of the IFD district. Captain Pervine answered in the negative.

Chairwoman asked what the estimated revenue is that these fees would generate. Captain Pervine stated that it was estimated at about \$200,000.

Robert Clifford, City Controller, stated that this proposal was at his request to help fund the department.

Councillor Schneider asked if there was any business exempt of these fees. Mr. Mertz stated that there are some provisions in licensing where the fees could be waived for certain groups but this is a small fraction. Councillor Schneider stated that he has an issue with the alarm companies not being consulted about this new change and he is voting against this ordinance until he has spoken with his constituent who is in the alarm business.

Councillor Plowman asked how many of the fees have been raised in the last few years. Mr. Clifford stated that he did not know but he will research that information and let everyone know.

Councillor Schneider moved, seconded by Councillor Oliver, to send Proposal No. 190, 2006 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 7-1 with Councillor Schneider casting the negative vote.

PROPOSAL NO. 191, 2006 - approves an increase of \$2,500,000 in the 2006 Budget of the Department of Public Safety, Fire Division (City Cumulative Capital Fund) to purchase fire apparatus, financed by fund balance

Dudley Taylor, Battalion Chief of IFD, stated this \$2.5 million will purchase approximately five fire trucks with two built in aerial devices. Chief Taylor stated that out of the money that is appropriated, IFD plan to write a specification for the engines and the aerial devices will be purchased at the FDIC show that is coming to Indianapolis. He said that this could be purchased at a substantial savings to the City.

Chairwoman Moriarty Adams asked which area would be supplied with the new apparatus. Chief Taylor stated that they have not decided where the new equipment would go. He said that there are some apparatus that are 10 years and older with at least 100,000 miles, and they would be looked at first to be replaced.

Councillor McWhirter asked why this equipment was not purchased last year. Mr. Clifford stated that the office of Finance and Management was trying to allocate the funding as best as they could. There are several other agencies that need some of the funding in the City Cumulative Capital Fund and they were trying to find the best way to divide the money. Councillor McWhirter stated that information regarding purchasing should be presented during the time the budget is being presented. Mr. Clifford stated that normally it is done that way; the reason why this information was not presented during budget was because of the uncertainty of the police merger as well as the fire merger.

[Clerks note: Lincoln Plowman left at 6:30 p.m.]

Councillor Oliver asked if IFD has to compete with other fire departments when bidding on the fire apparatus. James Greeson, Chief of IFD, stated that other fire departments will be there trying to bid on apparatus. Chief Dudley stated that IFD has gone to the township fire departments and tried to write a speculation that is very versatile for Indianapolis and the surrounding townships.

Councillor McWhirter moved, seconded by Councillor Brown, to send Proposal No. 191, 2006 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

PROPOSAL NO. 192, 2006 - approves an increase of \$500,000 in the 2006 Budget of the Department of Public Safety, Police Division (State Law Enforcement Fund) to purchase vehicles, financed by state forfeiture revenues

Bob Holt, Captain of the Indianapolis Police Department (IPD) Finance branch, stated that this request of \$500,000 is from the State Law Enforcement Fund and is to purchase vehicles for the use of the covert investigative units.

Chairwoman Moriarty Adams asked how many vehicles will be purchased. Captain Holt said that the money will purchase between 30 and 40 vehicles.

Councillor Bowes asked if IPD is able to use the seized vehicles that are recovered for undercover vehicles. Captain Holt answered in the affirmative, and added that there are limitations that apply to the use of these vehicles.

Councillor McWhirter asked if the funding would affect the Metro Law Enforcement Agency. Captain Holt stated that they need much more than what they are requesting, and this is the appropriate usage of this fund. Councillor McWhirter asked if these vehicles would be replacing vehicles or if they would be added to the current fleet. Captain Holt stated that some vehicles would be replaced, but not all.

Chairwoman Moriarty Adams asked if these vehicles would be unmarked. Captain Holt answered in the affirmative.

Councillor Schneider moved, seconded by Councillor Oliver, to send Proposal No. 192, 2006 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

[Clerks note: Vernon Brown left at 6:43 p.m.]

PROPOSAL NO. 193, 2006 - approves the issuance of one or more series of Indianapolis Public Safety Communication Systems and Computer Facilities District notes in an aggregate principal amount not to exceed \$5,000,000, and approves and authorizes other actions in respect thereto

Barbara Lawrence, Executive Director of the Indianapolis Bond Bank, stated that the funding in this proposal is one piece of a Metropolitan Emergency Communications Agency (MECA) upgrade on the communications system. The Bond Bank and MECA are currently working on finalizing the process by which those bonds will be issued, as well as all of the projects that are included in that bond issue. She said that it will be about 5 or 6 months before the project is complete. Ms. Lawrence stated that the townships and excluded cities have come with \$5 million in grants and that IPD also has \$2 million that is outstanding that will be used to cover the communication systems upgrade. She said that there is a local match for this grant of \$2 million.

Councillor Schneider asked if any funding from homeland security will be used toward the upgrade. Ms. Lawrence answered in the affirmative. She said that funding will be put in place as they move forward with the overall financing plan.

Councillor McWhirter asked if the upgrade will last for long time. Ms. Lawrence stated that this is a new system and should last a long time. Councillor McWhirter asked if this system will be compatible with the statewide system. Ms. Lawrence answered in the affirmative.

Councillor Franklin moved, seconded by Councillor McWhirter, to send Proposal No. 193, 2006 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 194, 2006 - approves the transfer and new appropriation of \$662,993 in the 2006 Budget of the Department of Public Safety, Emergency Management Planning Division (Non-lapsing Federal Grants Fund) to fund a contract with the Marion County Health and Hospital Corporation to implement the Metropolitan Medical Response System, financed by a transfer between characters for an existing grant and new 2006 appropriations from fund balance

[Clerk's note: Scott Schneider left at 6:55 p.m.]

James White, Director of Emergency Management, stated that these funds are from homeland security funds that will be transferred from Emergency Management to Health and Hospital. He said Health and Hospital can use these funds better than Emergency Management because these funds are designed to be used for medical emergencies.

Councillor Oliver moved, seconded by Councillor Franklin, to send Proposal No. 194, 2006 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 5-0.

PROPOSAL NO. 195, 2006 - approves a transfer of \$20,485 in the 2006 Budget of the Marion County Public Defender Agency (County Grants Fund) to fund a portion of a contract between the Marion County Public Defender Agency and the Midtown Community Mental Health Center, for mental health and addiction services for inmates in the Marion County Jail and the Wishard Hospital Detention Unit, financed by a grant from Drug Free Marion County

Judy Spray, Director of Alternative Sentencing for the Marion County Public Defender Agency (MCPDA), stated that in order to provide effective legal representation for clients, the MCPDA believes it is important to identify and target the problems that may underlie the arrests. She said that it is essential to identify factors, such as mental illness and substance abuse, as early as possible. Failure to do so leads to unnecessary and costly court delays, as these issues become apparent later in the case progression. Ms. Spray stated that this grant is from Drug-Free Marion County and there is not local match required.

Councillor Oliver asked if this was a new program added to the Alternative Sentencing system. Mr. Cook answered in the affirmative

Councillor McWhirter moved, seconded by Councillor Oliver, to send Proposal No. 195, 2006 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 5-0.

(Consent was given to hear Proposal Nos. 196- 198, 2006 together.)

PROPOSAL NO. 196, 2006 - approves an increase of \$82,500 in the 2006 Budget of the Marion County Superior Court (County Grants Fund) to pay for a portion of the salaries and benefits of the Drug Treatment Court and the Community Court, funded by a Marion County Drug Free grant

Sue Patterson, Director of Finances, stated that Proposal No. 196 appropriates \$82,500 from Drug Free Marion County to provide a portion of salaries and benefits for the Drug Treatment Court staff and the Community Court resource coordinator for the year 2006. This is a continuation of grants funded by Drug Free Marion County for several years.

Chairwoman Moriarty Adams asked how many positions this grant would pay for salaries. Ms. Patterson stated that it would pay for a portion of seven salaries.

PROPOSAL NO. 197, 2006 - approves an increase of \$20,000 in the 2006 Budget of the Marion County Superior Court (State and Federal Grants Fund) to cover the salary of the community work service coordinator for Community Court, funded by a Weed and Seed grant

Ms. Patterson stated that this proposal appropriates a \$20,000 increase to the Community Court to cover the salary and fringe benefits of the Community Work Services Coordinator for 2006. This is a budget adjustment to the current grant from Weed and Seed.

PROPOSAL NO. 198, 2006 - approves a transfer of \$150,000 in the 2006 Budget of the Marion County Superior Court (County General Fund) to meet their payment obligations for ongoing subscriptions necessary to accommodate the public law library in Indianapolis

Ms. Patterson stated that Proposal No. 198, 2006, transfers \$150,000 from Character 03 to Character 04 to pay for ongoing subscriptions to accommodate the public Law Library. Each year the publishers increase their prices by 15 to 20 percent. There are very limited options for obtaining these materials. The number of pro se litigants has steadily increased in our Civil Courts. The traffic to the Law Library has substantially increased over the last three years.

Councillor McWhirter moved, seconded by Councillor Bowes, to send Proposal Nos. 196 - 198, 2006 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 5-0.

PROPOSAL NO. 186, 2006 - appoints Rondle W. Brewer to the Marion County Community Corrections Advisory Board as a representative of the offender community

Councillor Bowes moved, seconded by Councillor Oliver, to "Amend" Proposal No. 186, 2006 to read "re-appoint" instead of "appoint." This motion was carried by vote of 8-0.

Councillor Bowes moved, seconded by Councillor McWhirter, to "Postpone" Proposal No. 186, 2006 to the next Public Safety meeting. The motion carried by a vote of 5-0.

CONCLUSION

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 7:27 p.m.

Respectfully submitted,

Mary Moriarty Adams, Chairwoman
Public Safety and Criminal Justice Committee